

RESOLUTION NO. 5069-17

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UNION CITY
TO REAFFIRM AND PROCLAIM THE CITY OF UNION CITY AS A
COMPASSIONATE CITY**

WHEREAS, City Council recognizes that recent changes to federal immigration policies have generated fear and anxiety among city residents; and

WHEREAS, the City of Union City will continue to uphold its commitment to be a community free of prejudice, bigotry, and hate; and

WHEREAS, it is the intent of the City that no person be denied the equal protection of the laws, nor shall any person be denied the enjoyment of his/her civil or political rights or be discriminated against because of age, race, physical ability, religion, sexual orientation, or citizenship status; and

WHEREAS, the city recognizes that such discrimination poses a threat to the health, safety, and general, and general welfare of the citizens of Union City and menaces the institutions and foundation of our community; and

WHEREAS, the City of Union City affirms the protections of the First Amendment for the free practice of religion; and

WHEREAS, the City of Union City recognizes that The United States Immigration and Customs Enforcement ("ICE") is responsible for enforcing federal civil immigration laws thus the City has no authority or jurisdiction for such enforcement; and

WHEREAS, a relationship of trust between California's immigrant residents and our local agencies, including law enforcement, schools, and healthcare providers is essential to carrying out basic local functions; and

WHEREAS, the City of Union City recognizes the authority and jurisdiction of the United States Immigration and Customs Enforcement to conduct sweeps, but strongly urges them not to: Break up families; Deport those that are here illegally, but have not broken any other laws; Detain or Deport anyone that is a victim or a witness in an ongoing investigation, court proceeding or trial; Conduct sweeps at schools, places of worship or City Buildings.

NOW THEREFORE BE IT RESOLVED that the city declares itself to be a **COMPASSIONATE CITY**; and

BE IT FURTHER RESOLVED:

1. The Union City shall not engage in activities solely for the purpose of enforcing federal immigration law. The Union City Police Department does not independently conduct sweeps or other organized efforts for the purpose of detaining suspected undocumented aliens. Members of this department should not participate in such federal immigration operations as a part of any detention team unless it is in direct response to a request for emergency assistance for compromised officer safety.

2. Union City shall not enter into any partnerships or written agreement with federal authorities for the sake of enforcing federal civil immigration law according to section 287(g) of the INA.
3. Unless immigration status is relevant to another criminal offense or investigation, suspicion or knowledge of an undocumented alien shall not be the sole basis for contact, detention, or arrest. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and without regard to race, color or national origin in any way that would violate the United States or California Constitution.
4. It is the intent of the city that individuals feel secure in contacting or being addressed by Union City law enforcement regardless of their immigration status. To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation.
5. Individuals should not be held in custody solely for a civil immigration hold.
6. A detainer will be acted upon only for arrestees with pending criminal cases who would normally be held for further criminal proceedings, provided the ICE immigration detainer is accompanied with an arrest warrant signed by a judge.
7. No city employee or service provider shall ask or use knowledge of an individual's immigration status as a basis for providing services, unless it is material to the service being sought (i.e., immigration services). No city service shall be denied based upon race, gender, sexual orientation, religion, ethnicity, national origin, or immigration status.
8. City resources shall not be used to create, assist in the creation, or maintain a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin for the purpose of reporting any immigration-related data to federal law enforcement.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on the 9th day of May, 2017 by the following vote:

AYES:	Councilmembers Duncan, Ellis, Singh, Vice Mayor Gacoscos, Mayor Dutra-Vernaci
NOES:	None
ABSENT:	None
ABSTAIN:	None



CAROL DUTRA-VERNACI
Mayor

ATTEST:



ANNA M. BROWN
City Clerk

APPROVED AS TO FORM:



BENJAMIN T. REYES, II
City Attorney